

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
Civil Action No.: 5:21-cv-118-KDB-DSC

ELIZABETH RUDDY and LATOYA )  
DANIELS, *On Behalf of themselves and All )  
Others Similarly Situated,* )  
)  
Plaintiffs, )  
)  
v. )  
)  
CAVALRY PORTFOLIO SERVICES INC., )  
)  
Defendant. )

## ORDER

**THIS MATTER** is before the Court on Plaintiffs' "Consent Motion for Leave to Take Discovery on the Issue of Arbitrability and to Stay Defendant's Motion To Compel Arbitration and Dismiss or Stay this Action" (document #9).

Defendant has consented to Plaintiffs taking limited discovery on the formation and performance of the arbitration clause and to stay further briefing on Defendant's Motion to Compel Arbitration (document #6) pending completion of limited discovery. The parties have also agreed to an extended briefing schedule following discovery.

The Court concludes that a brief period of discovery limited to arbitration issues is appropriate. However, rather than hold the pending Motion to Compel Arbitration in abeyance, in the interests of judicial efficiency, the Court will deny it without prejudice to Defendant filing an updated Motion following discovery.

**IT IS THEREFORE ORDERED** that:

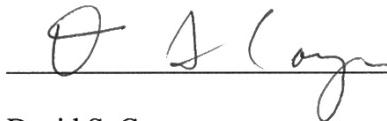
1. Plaintiffs' "Consent Motion for Leave to Take Discovery on the Issue of Arbitrability and to Stay Defendant's Motion to Compel Arbitration and Dismiss or Stay this

Action" is **GRANTED IN PART**. The parties shall engage in limited discovery as to the issues identified in Plaintiffs' Motion, including subpoenas, if any, which shall be completed by January 31, 2022.

2. Defendant's "Motion to Compel Arbitration ..." is **ADMINISTRATIVELY DENIED WITHOUT PREJUDICE** to its right to renew the Motion following completion of limited discovery.
3. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Kenneth D. Bell.

**SO ORDERED.**

Signed: November 3, 2021

  
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David S. Cayer  
United States Magistrate Judge  
